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Remarks

Claims 25-54 remain in the application.

Reconsideration of the rejection of claims 25-54 under the judicially created doctrine of obviousness-type double patenting is respectfully requested. An appropriate terminal disclaimer is filed herewith to overcome the rejection.

Reconsideration of the rejection of claims 25, 27, 33, 39, 41, 47 and 53 under 35 U.S.C. 102(e) as anticipated by Carter et al. is respectfully requested. Applicants respectfully submit that Carter solves a problem different from that of the present invention resulting in the combination of elements recited in the claims patentably distinguishing over that disclosed in Carter. The claims have been extensively amended to emphasize the distinctions.

In Carter the objective is to develop a new version of an object server from an existing version where the new object server is version compatible with the old object server so that client applications that had been built against the old object server will operate with the new version. Furthermore in Carter, if functionality of the new version results in version incompatibility a notice may be generated.

In the present invention a feature, such as a newly introduced feature of the computer system, requires mutual support of first and second software program entities of the computer system for the feature to operate properly. Since the first and second software program entities are generally independently upgraded and installed, improper operation may result if one of the upgraded software program entities is installed prior to the other. The feature exchange protocol detailed in amended claim 25 is utilized to obviate the problem.

Specifically, the preamble of claim 25 recites the feature requiring mutual support of at least two software program entities in order for the feature to operate properly. In the first "storing" paragraph the claim continues with the recitation of the first indications of features supported by the first

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software program entity that require mutual support of the second software program entity, each of the features requiring mutual support of both the first and second software program entities and where installation in the computer system is required of both the first and second software program entities in order that each of these features operates properly. In the second "storing" paragraph of the claim, similar recitations are provided with respect to the second software program entity.

Applicants respectfully submit that these recitations of claim 25, as amended, are neither disclosed nor implied by Carter. Carter does not appear to disclose features that require mutual support of two installed software program entities in order for the features to operate properly. Furthermore, Carter does not appear to disclose the recitations of the first and second feature indications as detailed in the first and second "storing" paragraphs. In Carter, the upgraded new object server replaces the old object server and version compatibility is desirable so that a client application that had been built against the old object server is supported fully by the installed new object server. Furthermore, if the new object server is version incompatible with the old object server, a client application that had been built against the old object server could be rebuilt against the new version to rebind the application references to the new IDs so that the new object server would then fully support the application (Carter, column 3, lines 51-59).

In the "taking an appropriate action" paragraph of claim 25, the appropriate action is taken if the first indications include an indication of a feature not included in the second indications or if the second indications include an indication of a feature not included in the first indications. In other words, the same action is taken for both conditions. However, as seen in Carter Figure 6, the new server is version compatible with the old server if the new server includes classes or members that are not in the old server (blocks 164, 165), but is version

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incompatible with the old server if the old server includes classes or members that are not in the new server (blocks 162, 163).

The last paragraph of claim 25 has been amended to emphasize that the appropriate action is such as to prevent improper operation of the computer system due to the specific software program entity installation problem detailed in the claim paragraph and discussed above with respect to Carter.

The above discussed distinctions are further appreciated when considering that Carter provides a programming tool in a software development environment (Carter, column 7, line 65 - column 8, line 3) whereas the present invention, as recited in the claims, is an embedded protocol in a computer system to solve a particular problem.

For all of the above reasons, amended claim 25 is believed to patentably distinguish over Carter. For the same reasons, amended counterpart claim 39 is also believed patentable. Rejected claims 27, 33, 41, 47 and 53 depend from claim 25 or 39 and derive patentability therefrom.

The remaining claims were not rejected on the prior art. Claims 26, 38, 40 and 52 have been rewritten in independent form and retain the patentability thereof.

Authorization is granted to charge any excess independent claim fee resulting from rewriting claims 26, 38, 40 and 52 in independent form to the account of Unisys Corporation, Account No. 19-3790.

By the above amendments, Applicants have endeavored to place the claims in condition for allowance. A favorable response is earnestly solicited.

Respectfully submitted,



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